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[OFFICIAL.]

## LAWS OF THE UNITED STATES.

PASSED AT THE SECOND SESSION

OF THE

FORTY-FIRST CONGRESS.

[PUBLIC No. 184.]

AN ACT making additional appropriations and to supply the deficiencies in the appropriations for the service of the government for the fiscal year ending June thirty, eighteen hundred and seventy, and June thirty, eighteen hundred and seventy-one, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated for the objects hereinafter expressed, to-wit:

### DEPARTMENT OF JUSTICE.

Office of the Attorney General: For salary of the Solicitor General, seven thousand five hundred dollars.

For additional salary of two assistant attorneys general, two thousand dollars.

For additional salary of solicitor of internal revenue, one thousand dollars.

For salary of stenographic clerk, two thousand dollars.

For three additional fourth class clerks, five thousand four hundred dollars.

For contingent expenses, viz: For fuel, labor, and miscellaneous items, three thousand five hundred dollars.

For stationery and books, one thousand dollars.

For additional contingent, because of the transfer to the Department of Justice of the solicitor of internal revenue, naval solicitor, and the law office of the Department of State; for stationery and books, one thousand dollars.

For the salaries of three commissioners appointed for the revision and consolidation of the statutes of the United States, for one year, at five thousand dollars each, fifteen thousand dollars.

For reasonable incidental expenses of the commission for clerk hire, stationery, and miscellaneous items, three thousand dollars.

### WAR DEPARTMENT.

For clerks in the office of the Chief of Ordnance, two thousand dollars, to supply an omission in the total amount for that office for the fiscal year ending June thirty, eighteen hundred and seventy-one.

### TREASURY DEPARTMENT.

In the office of the Comptroller of the Currency: For one clerk of class four, one clerk of class three, two clerks of class two, and three clerks of class one, nine thousand eight hundred dollars.

For ventilating the attic rooms in the West wing of the Treasury Department building, twelve thousand dollars.

For ventilating the attic rooms in the east wing, thirteen thousand two hundred dollars.

For annual repairs of the Treasury building, fifteen thousand dollars.

For file cases, shelving for vaults, permanent counters, desks, tables, and other necessary fixtures, and for renovation of walls and floors, for the proper arrangement and preservation of the records and files of the Treasury Department; twenty-three thousand eight hundred and twenty-five dollars and thirty cents.

For fitting, putting up, and casing old vaults, for casing, and shelving, and for book-cases for records in the offices of the Secretary of the Treasury, and others, fourteen thousand and thirty-five dollars: *Provided*, That hereafter no alteration shall be made, or work done upon the Treasury building, except for ordinary repairs, except upon authorization of and in accordance with specific appropriations therefor.

For fuel lights and water for public buildings throughout the United States, under the control of the Treasury Department, one hundred and fifty thousand dollars.

For balance due on completion of the custom-house at Ogdensburg, New York, seven hundred and one dollars and eighty-eight cents.

For continuing the construction of the custom-house building at Charleston South Carolina, in accordance with the modified plans of the Supervising Architect of the Treasury, as submitted in his letter of June twenty-one, eighteen hundred and seventy, addressed to the Secretary of the Treasury, one hundred thousand dollars: *Provided*, That no further sum than two hundred and ninety-eight thousand eight hundred and fifty-five dollars and forty-six cents shall be appropriated, or expended by the government for the entire completion of said building and its approaches.

### HOUSE OF REPRESENTATIVES.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the House of Representatives, six thousand one hundred and six dollars and fifty cents. And that there be appropriated, out of any money in the treasury not otherwise appropriated, the sum of seven hundred dollars each, per annum, the chief clerk, assistant, disbursing, file, printing, stationery, and engraving clerks of the House; and the sum of four hundred and fifty dollars per annum to the librarian in charge of the hall library; and four hundred and five dollars per annum to the assistant librari-

an in charge of the hall library, and the sum of three hundred and sixty dollars per annum to the clerk of the Committee of Claims; and to the reading clerks and tally clerks, three hundred and forty dollars each, for the thirty-ninth Congress, as provided for by resolutions of the House of the first session of the said Congress.

For folding documents, including materials, five thousand five hundred and four dollars and twenty-seven cents.

For clerks to committees and temporary clerks, ten thousand four hundred and seventy-five dollars and twenty cents.

For laborers, two thousand four hundred and eighty-three dollars and eighty cents.

For miscellaneous items, to defray the expenses of the Committee on Education and Labor, incurred during the late investigation, one thousand dollars.

For additional expenses of the Committee on the Ninth Census, to be added to the contingent fund of the House, two hundred and ten dollars. To Dr. Edward Jarvis, of Dorchester, Massachusetts, for services rendered to Committee on the Ninth Census, five hundred dollars.

To pay the official reporters of the Globe in each House the amount which the Comptroller of the Treasury may find severally due them for services during the sessions of the forty-first Congress, under the eighteenth section of the act making appropriations for sundry civil expenses of the government for the year ending July twenty-eight, eighteen hundred and sixty-six.

For ceiling with iron laths under the copper roof of the hall of the House of Representatives, and for additional glass panels, flues, doors, and apparatus for improving the lights and ventilating of said hall, to be expended under the direction of the Architect of the Capitol; fifteen thousand dollars.

For the Senate for the fiscal year ending June thirty, eighteen hundred and seventy, for miscellaneous items, two thousand dollars.

For clerks to committees, pages, horses, and carriages, five thousand dollars.

For the payment of the necessary expenses incurred by the Joint Select Committee on Retrenchment in investigating the contracts of the Navy Department for steam machinery, three hundred and fifty-eight dollars and four cents: *Provided*, That the appropriation of seventy-eight thousand dollars for lithographing for the Patent Office, in the legislative, executive, and judicial appropriation bill for the year ending June thirty, eighteen hundred and seventy-one, is hereby carried to the fund for lithographing and engraving for the Senate and House of Representatives.

### MISCELLANEOUS.

To pay the government of Peru the sum of fifty-seven thousand and forty dollars in coin, being the amount awarded to Esteban G. Montano by the joint commission at Lima, Peru, February twenty-five, eighteen hundred [and] seventy, acting under the claims convention between the United States and Peru, of December four, eighteen hundred and sixty-eight.

To meet a deficiency in the appropriation for the legislative expenses of the Territory of Montana, ten thousand dollars.

For printing of the journal of the legislative assembly of the Territory of Montana for the second and third sessions of the year eighteen hundred and sixty-six, four thousand three hundred and sixty-two dollars and seventy cents.

For the balance in full to John P. Bruce for printing for the third session of the Montana legislature, seven hundred and ninety-six dollars and ninety cents.

For a deficiency in the appropriation for the legislative expenses of the assembly of the Territory of Idaho, for rent, furniture, wood, storage, oil, and candles, stationery, and incidental expenses, three thousand four hundred dollars.

To pay the increased compensation of the chief justices of the Territories of New Mexico, Washington, Wyoming, Arizona, Colorado, and Dakota, under the provisions of an act approved June seventeenth, eighteen hundred and seventy, ten thousand dollars.

For amount due James S. Reynolds for paper, printing, and labor performed for the said legislative assembly of Idaho, two thousand six hundred and seventy-five dollars and thirteen cents.

For a deficiency in the appropriation for the legislative expenses of the Territory of New Mexico, ten thousand five hundred and seventy-five dollars and forty-seven cents.

For rent of the office of surveyor general of Nevada, fuel, books, stationery, and other incidental expenses, two thousand seven hundred dollars.

For rent of office of surveyor general of Wyoming, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For compensation of the surveyor general of the Territory of Arizona, three thousand dollars; for clerks of his office, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For repairs of custom-house at Detroit, Michigan, thirteen thousand five hundred dollars.

To reimburse the United States marshal of South Carolina for the sums paid by him in excess of the sums provided by existing statutes, for summoning jurors in obedience to a jury order issued by the Chief Justice of the Supreme Court of the United States, June five, eighteen hundred and sixty-nine, one thousand dollars, or such part thereof as may be necessary.

To enable the Secretary of the Interior to pay for the use and occupation by the

late Department of Education of a portion of the building located on the corner of G and Eighth streets in this city, from November twelve, eighteen hundred and sixty-eight, until April sixteen, eighteen hundred and sixty-nine, four hundred and twenty-seven dollars and seventy-eight cents.

To supply a deficiency in the appropriation for the relief of sick and disabled seamen, one hundred thousand dollars, and to meet deficiency in the same fund for the year ending June thirtieth, eighteen hundred and seventy-one, one hundred and fifty thousand dollars.

For the erection of penitentiary buildings in the Territory of Wyoming, forty thousand dollars, or so much thereof as may be necessary: *Provided*, That the said sum be set apart from the proceeds of collections of the internal revenue tax in that Territory, to be appropriated for said purpose only, and expended under the Secretary of the Interior.

For expenses to be incurred in taking the ninth census of the United States, one million dollars.

For payment of claims of loyal citizens for services rendered as United States marshals and their assistants, a provided in act approved June twenty-four, eighteen hundred and seventy, one hundred and seventy thousand dollars, or so much thereof as may be necessary.

For deficiency in appropriation for public buildings and grounds, under the Chief Engineer of the army, ten thousand dollars.

For materials and putting up Wilson's electric gaslighter in the Senate chamber, four thousand five hundred dollars: *Provided*, [That] the same can be done under the control of the Architect of the Capitol Extension during the recess, and at an expense not exceeding the amount herein appropriated.

For expenses of conducting the election, on second day of September, eighteen hundred and sixty-nine, in Wyoming Territory, one thousand dollars.

For assay office, New York, salary of chief superintendent, assayer, melter, refiner, assayer, and clerks, and wages of workmen, thirty thousand dollars.

To enable the Secretary of the Interior to pay the superintendent of the building occupied by said Secretary and his department from the first day of January, eighteen hundred and fifty-five to the thirtieth of June, eighteen hundred and fifty-eight, the allowance to be made to such superintendent, with his salary as clerk, not to exceed two thousand dollars per annum, the sum of seven hundred dollars.

For deficiency in the pay of certain employes in the Agricultural department, one thousand one hundred and ten dollars, or so much thereof as is necessary: *Provided*, That their annual compensation is not increased thereby beyond the amount fixed by law.

For services performed in the Patent Office, under direction of the Commissioner of Patents, from August first eighteen hundred and sixty-five, to April first, eighteen hundred and sixty-nine, by clerks and assistant examiners acting as assistant examiners and examiners, at the rates fixed by law for the respective grades in which such services were performed, the sum of ten thousand seven hundred and fifty-one dollars and forty four cents: *Provided*, That the compensation thus paid shall not exceed that received by those duly enrolled as examiners and assistant examiners during the same period.

For the support of primary schools in that part of the District of Columbia lying outside of the cities of Washington and Georgetown, to be expended by the commissioners of primary schools, under the direction of the Secretary of the Interior and the president of the levy court, ten thousand dollars.

To pay William Fisher, of San Jose California, for supplies furnished seamen and marines of the United States Navy who were employed with the army during the Mexican war in conquering California, three thousand and seventy-five dollars.

To compensate the widow of the late W. J. Hubbard, for the statute of Washington executed by him, said sum to be in full of all demands for said statute, two thousand dollars.

Sec. 2. *And be it further enacted*, That the accounting officers of the Treasury Department are hereby authorized to credit C. N. Felton, treasurer of the branch mint at San Francisco, with sixteen hundred and forty-seven dollars and ninety-six cents, paid to Edward Wheaton for clerical services performed in his office.

Sec. 3. *And be it further enacted*, That the Secretary of the Senate be, and he hereby is, directed to pay to the First National Bank of the city of Washington the sum of sixteen hundred and thirteen dollars and sixty one cents, with interest from June three, eighteen hundred and sixty-seven, in satisfaction of money advanced to defray the expenses of the Joint Select Committee on Ordnance, and that the receipt of said bank shall be deemed as a sufficient voucher in the settlement of the accounts with the Treasury Department.

Sec. 4. *And be it further enacted*, That the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands be, and he is hereby directed, out of the fund in said bureau for the freedmen, to pay to Wilberforce University, situated in Greene county, Ohio, the sum of twenty-five thousand dollars, and to Lincoln University, situated in Chester county, Pennsylvania, twelve thousand dollars, in aid of the objects of said institutions.

Approved, July 15, 1870.

[PUBLIC No. 185.]

AN ACT making appropriations for the support of the army for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated out of any moneys in the treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June eighteen hundred and seventy-one:

For expenses of recruiting and transportation of recruits, four hundred and seventy two thousand dollars.

For pay of the army, twelve million nine hundred and thirty-five thousand three hundred and ninety dollars.

For commutation in lieu of forage for officer's horses, where the same is not furnished by the Quarter-master's department two thousand dollars.

For payments to discharged soldiers for clothing not drawn, two hundred thousand dollars. And the proper accounting officers of the treasury are hereby authorized and required to transfer from any surplus of the past appropriations for the "pay of the army, or of the volunteers," not otherwise disposed of by law, such sum as may be sufficient to cover deficiencies in the appropriations "for payments to discharged soldiers for clothing not drawn," for the fiscal year ending June thirtieth, eighteen hundred and seventy.

For subsistence in kind for regular troops and employes, four million thirteen thousand nine hundred and seventy-seven dollars and twenty-two cents.

For contingencies of the army, eighty thousand dollars.

For army, medical museum, five thousand dollars.

For medical and other necessary works for the library of Surgeon General's office, three thousand dollars.

For expenses of Commanding General's office, five thousand dollars.

For expenses of the signal service of the army, five thousand dollars.

For regular supplies of the Quarter-master's department, to-wit: For fuel for officers, enlisted men, guards, hospitals, storehouses, and offices; for forage in kind for the horses, mules, and oxen of the Quarter-master's department at the several posts and stations; and with the armies in the field, for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry as may be mounted, and for the authorized number of animals, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank-books for the Quarter-master's department, and for printing of division and department orders and reports, four million five hundred thousand dollars.

For the general and incidental expenses of the Quarter-master's department, consisting of postage on letters and packets received and sent by officers of the army on public service; expenses of courts-martial, military commission, and courts of inquiry, including the additional compensation of judge advocates, recorders, members, and witnesses while on that service, under the act of March sixteen, eighteen hundred and two; extra pay to soldiers employed under the direction of the Quarter-master's department, in the erection of barracks, quarters, storehouses, and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of March twenty-eight hundred and nineteen, and August four, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of express to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the internment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or at posts and other places when ordered by the Secretary of War, and non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quarter-master's department, including the hire of interpreters, spies, and guides for the army; compensation of clerks to officers of the Quarter-master's department; compensation of forage and wagon masters, authorized by the act of July five, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry as may be mounted, viz: the purchase of travelling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movement and operations of an army, not expressly assigned to any other department, eight hundred thousand dollars.

For mileage, or the allowance made to officers of the army for the transportation of themselves and their baggage, when travelling on duty without troops, escorts or supplies, fifty thousand dollars.

For taking meteorological observations and giving notice on northern lakes and seaboard of approach and force of storms, fifty thousand dollars.

For transportation of the army, including baggage of the troops when moving either by land or water, of clothing, camp, and garrison equipage from the depots of

Philadelphia, Cincinnati, and New York to the several posts and army depots, and from those depots to the troops in the field; and of subsistence stores from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and furriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts, hire of teamsters, transportation of funds for the pay and other disbursing departments, the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads and removing obstructions from roads, harbors, and rivers to the extent which may be required for the actual operations of the troops in the field, five million of dollars.

For hire or commutation of quarters for officers on military duty, hire of quarters for troops, of storehouses for the safe keeping of military stores, and of grounds for summer encampments; for the construction of temporary huts, hospitals, and stables; and for repairing public buildings at established posts, seven hundred and fifty thousand dollars.

For the ordnance service required to defray the current expenses at the arsenals, of receiving stores, and issuing arms and other ordnance supplies, of police and office duties, of rents, tolls, fuel, and lights; of stationery and office furniture; of tools and instruments for use of public animals, forage and vehicles; incidental expenses of the ordnance service, including those attending practical trials and tests of ordnance, small arms, and other ordnance supplies, one hundred and fifty thousand dollars: *Provided*, That no money appropriated by this act shall be used to pay for any new cannon or small arms.

For establishing and maintaining national cemeteries, three hundred thousand dollars: *Provided*, That twenty thousand dollars of this amount be expended in planting and cultivating trees and shrubs in the several cemeteries.

Sec. 2. *And be it further enacted*, That the President be, and he is hereby, authorized and directed, on or before the first day of July, eighteen hundred and seventy-one, to reduce the number of enlisted men in the army to thirty thousand, and thereafter there shall be no more than thirty thousand enlisted men in the army at any one time, unless otherwise authorized by law.

Sec. 3. *And be it further enacted*, That the President be, and he is hereby, authorized at his discretion, honorably to discharge from the service of the United States officers of the army who may apply therefor on or before the first of January next; and such officers so discharged under the provisions of this act shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, one year's pay and allowances.

Sec. 4. *And be it further enacted*, That the President be, and he is hereby, authorized, at his discretion, to place on the retired list of the army, on their own application, any commissioned officers who have been thirty years in the service, and the officers who may be retired by virtue of this section shall be entitled to the same pay and emoluments as are now allowed, or may be hereafter allowed, to officers retired from active service.

Sec. 5. *And be it further enacted*, That the proviso of the sixteenth section of the act approved August three, eighteen hundred and sixty-one, limiting the number of officers on the retired list to seven per centum of the whole number of existing officers, be, and the same is hereby, repealed; and hereafter the number of officers who may be retired in accordance with existing laws shall be in the discretion of the President: *Provided*, That the whole number on the retired list shall at no time exceed three hundred.

Sec. 6. *And be it further enacted*, That the offices of General and Lieutenant-General of the Army shall continue until a vacancy shall occur in the same, and no longer; and when such vacancy shall occur in either of said offices, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall, by virtue of this act, from thenceforward be held to be repealed.

Sec. 7. *And be it further enacted*, That no appointment to the grade of major general shall be made until the number of officers of that grade is reduced below three, after which the number of major generals shall not exceed three.

Sec. 8. *And be it further enacted*, That no appointment to the grade of brigadier general shall be made until the number of officers of that grade is reduced below six; after which the number of brigadier generals shall not exceed six.

Sec. 9. *And be it further enacted*, That the grade of regimental commissary in the several cavalry regiments is hereby abolished; and the lieutenants now holding the appointments of regimental commissary may be assigned for duty to companies of their regiments, and shall fill the first vacancies that may occur in their respective grades of first or second lieutenant in the regiments to which they now belong; and nothing herein contained shall affect

their relative rank with other lieutenants of their grade.

Sec. 10. *And be it further enacted*, That the grades of regimental commissary sergeant and regimental hospital steward are hereby abolished. The number of corporals in each company of cavalry, artillery, and infantry shall be reduced to four; and the said non-commissioned officers shall have the privilege of receiving an honorable discharge, with full pay and allowance to the actual date thereof, if they shall so elect, in preference to remaining in the service in such other grades as may be assigned to them by the Secretary of War.

Sec. 11. *And be it further enacted*, That the General of the Army and commanding officers of the several military departments of the army, shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties from any cause except injuries incurred or disease contracted in the line of their duty, setting forth specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and directed to constitute a board to consist of one major general, one brigadier general, and three colonels, three of said officers to be selected from among those appointed to the regular army on account of distinguished services in the volunteer force during the late war, and on recommendation of such board the President shall muster out of the service any of said officers so reported, with one year's pay; but such muster-out shall not be ordered without allowing such officer a hearing before such board to show cause against it.

Sec. 12. *And be it further enacted*, That the President is hereby authorized to transfer officers from the regiments of cavalry, artillery, and infantry to the list of supernumeraries; and all vacancies now existing, or which may occur prior to the twenty-first day of January, next, in the cavalry, artillery, or infantry, by reason of such transfer, or from other causes, shall be filled in due proportion by the supernumerary officers, having reference to rank, seniority, and fitness, as provided in existing law regulating promotions in the army. And if any supernumerary officers shall remain after the first day of January, next, they shall be honorably mustered out of the service with one year's pay and allowances: *Provided*, That vacancies now existing in the grade of second lieutenants, or which may occur prior to said date, may be filled by the assignment of supernumerary first lieutenants, or officers of higher grades, who when so assigned shall rank as second lieutenants, *providing* such officers shall prefer to be so assigned, instead of being mustered out under the provisions of this section; and officers so assigned shall take rank from the date of their original entry into service: *And provided further*, That no chaplain be appointed to posts or regiments until those on waiting orders are assigned.

Sec. 13. *And be it further enacted*, That the professors of the United States Military Academy, whose service in the army and at the academy exceeds thirty-five years, shall have the pay of colonel, and those whose like service is less than thirty-five, but exceed twenty-five years, shall have the pay of lieutenant-colonel; and all other professors shall have the pay of major and hereafter there shall be allowed and paid to said professors ten per centum of their current yearly pay for each and every term of five years' continuous service: *Provided*, That such addition shall in no case exceed forty per centum of said yearly pay; and said professors are hereby placed upon the same footing as regards retirement from active service as officers of the army.

Sec. 14. *And be it further enacted*, That the pay and allowances of the enlisted men of the army shall remain as now fixed by law until the thirtieth of June, eighteen hundred and seventy-one; and it shall be unlawful for any officer to use any enlisted man as a servant in any case whatever.

Sec. 15. *And be it further enacted*, That section two of the act entitled "An act making appropriations for the support of the army for the year ending June thirty, eighteen hundred and sixty-eight, and for other purposes," approved March two, eighteen hundred and sixty-seven, be, and the same is hereby repealed.

Sec. 16. *And be it further enacted*, That hereafter no officer shall be entitled to wear while on duty any uniform other than that of his actual rank, on account of having been brevetted; nor shall he be addressed in orders or official communications by any title other than that of his actual rank.

Sec. 17. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to drop from the list of the army for desertion any officer who is now, or who may hereafter be, absent from duty three months without leave; and any officer so dropped shall forfeit all pay and allowances due or to become due, and shall not be eligible to reappointment.

Sec. 18. *And be it further enacted*, That it shall not be lawful for any officer of the army of the United States on the active list to hold any civil office, whether by election or appointment, and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the army, and his commission shall be vacated thereby.

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